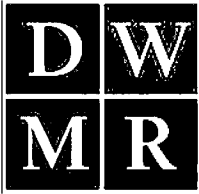




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September 9, 2021

VIA EMAIL

The Honorable Steven H. Neinast
The Honorable Robert H. Pemberton
The Honorable Cassandra Quinn
The Honorable Andrew Lutostanski
Administrative Law Judges
State Office of Administrative Hearings
William P. Clements Office Building
300 West 15th, Fourth Floor
Austin, Texas 78701

RE: SOAH Docket No. 473-21-0538, PUC Docket No. 51415 - Application of Southwestern Electric Power Company for Approval of a Distribution Cost Recovery Factor

Dear Judges Neinast, Pemberton, Quinn, and Lutostanski:

Southwestern Electric Power Company (SWEPCO) files this response to the September 1, 2021 letter filed by Texas Industrial Energy Consumers (TIEC) and Cities Advocating for Reasonable Deregulation (CARD). It is improper for the Administrative Law Judges (ALJs) to consider the issue addressed in the Austin Court of Appeals opinion attached to TIEC's and CARD's letter because the courts currently retain jurisdiction over the matter. A remand of the matter to the Commission, if any is ultimately ordered, will not occur until all appellate proceedings have been finally adjudicated and all appellate deadlines have finally expired.¹

SWEPCO believes that the Supreme Court of Texas will reject, for a second time, the Court of Appeals misguided effort to overturn the Commission's Docket No. 40443 findings and conclusions regarding SWEPCO's investment in the Turk power plant. The Commission will not acquire jurisdiction over the matter until the appellate process is complete and a court issues a mandate ordering such a remand. TIEC's and CARD's attempt to incorporate the Court of Appeals opinion into the pending docket is inappropriate.

SWEPCO also notes that the calculations made by counsel for TIEC and CARD in their September 1 letter are inaccurate and not based on the evidentiary record in the

¹ See Tex. R. App. P. 18.1.

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currently pending rate case. SWEPCO reserves the right to respond more fully if TIEC and CARD persist in their attempt to muddy the record in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Coe', with a long horizontal line extending to the right.

William Coe
Attorney for Southwestern Electric Power
Company